

**REMARKS**

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated April 11, 2003, claims 1-20 are pending in the application. Applicants respectfully request the Examiner for a reconsideration.

Claim 1 has been amended to include "or lidar unit" for the sake of consistency.

Claim 5 has been amended to correct the typographical error "whereon" to "wherein."

Claims 1, 4, and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Kosiak* (5,835,007) in view of *Breed* (6,209,909). Applicants respectfully traverse.

Claim 1 is directed to a precrash system for an automotive vehicle having a radar or lidar unit that generates an object distance signal and an object relative velocity signal. Claim 1 has been amended to include "or lidar unit." A vision system is also included that generates an object size signal. A controller activates either the first countermeasure or the first and second countermeasure in response to the object distance, relative velocity, and object size signals.

The Office Action states that the *Kosiak* reference teaches a first countermeasure and a second countermeasure, a radar or lidar unit generating an object distance signal and object relative velocity signal. Although a radar unit is shown a lidar unit is not shown in the *Kosiak* reference. Also, although airbags 26 and a pretensioner 28 are illustrated, no teaching or suggestion is provided for a controller that

activates either one or both of the systems in response to an object distance, relative velocity and object size signal.

The *Breed* reference is disclosed for a vision system that generates an object size signal and a controller that activates either the first countermeasure or the first and second countermeasure in response to the object distance relative velocity and object size signals. Applicants respectfully submit that the *Breed* reference does not teach or suggest an object size signal as cited by the Examiner. The Examiner points to several portions of the *Breed* reference including Col. 7, lines 35-12 and Cols. 11-14, lines 44-28. Applicants can only find teaching of a pattern recognition system as defined in Col. 8, lines 21-43. The various sensors that are described in the *Breed* reference include an ultrasonic transmitter, a laser optical system as described in Col. 9, line 17, and a radar system. The system, however, mentions the drawback of a laser optical system in that the cost may be high. The laser optical system, however, does not generate a object size signal corresponding to the objection size. Therefore, neither of the systems has a vision system that generates an object size signal. No teaching or suggestion is found also in either of the references for activating either a first countermeasure or a first and second countermeasure in response to the object distance, relative velocity, and object size signal.

Claim 6 is similar to that of claim 1 in that a second sensor generates an object size signal. Applicants respectfully submit that claim 6 is allowable for the same reasons set forth above.

Claim 4 is also believed to be allowable for the same reasons set forth above with claim 4 since it is dependent upon claim 1 and includes further limitations.

Claims 2, 3, 7, and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Kosiak* and *Breed*, and in further view of *Byon* (5,646,612). Applicants respectfully submit that the combination of the *Kosiak* reference and the *Breed* reference has the limitations described above. The *Byon* reference, contrary to the Examiner's suggestion, does not teach an object size signal. The Examiner is directed to Col. 9, lines 15-39. The system looks at the temperature distribution within the shape of an object to estimate the area of the temperature distributed within the shape of the object. Although the shape of the object is determined, no area or height of the object is determined. That is, merely areas of the object having a specific temperature is determined, but the overall object size is not determined. Also, claims 2-3, and 7 and 8 are dependent upon their allowable independent claims. Applicants therefore respectfully request the Examiner for a reconsideration.

Claims 5, 9-10, 15, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Kosiak*, *Breed* and in further view of *Shaw* ((5,314,037). Although a scanning zone is described as a narrow band of area directly in front of the system-equipped vehicle, no decision zone as described in the present application is taught or suggested. Further, claims 5, 9, 15, and 18 are dependent upon allowable independent claims.

With respect to independent claim 10, no teaching or suggestion is found in the *Kosiak* or *Breed* references for an object size. Therefore, no step of activating the countermeasure system in response to the object size and relative velocity is determined. Also, no decision zone is set forth as described above in either the *Shaw* reference, the *Kosiak* reference, or the *Breed* references. Applicants therefore

respectfully request the Examiner for reconsideration of this rejection.

Claims 11-14, 17, and 19-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Kosiak, Breed, Shaw*, and in further view of *Farmer* ((6,085,151). Applicants respectfully submit that the combination of the *Kosiak, Breed* and *Shaw* references have the limitations described above. The *Farmer* reference does not teach or suggest the missing elements of the combination of the *Kosiak, Breed* and *Shaw* references. Because claims 11-14, 17, and 19-20 are dependent upon allowable independent claims, applicants respectfully request the Examiner for a reconsideration of this rejection.

In light of the above amendments and remarks, applicant submit that all rejections are now overcome. The applicants have added no new material to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Please charge any fees required in the filing of this amendment to Deposit Account 06-1510.

Respectfully submitted,



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